



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
999 18TH STREET- SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

DOCKET NO.: CWA-08-2006-0034

IN THE MATTER OF:)	
)	
SOLAR TRANSPORT CO.)	FINAL ORDER
)	
RESPONDENT)	

Pursuant to 40 C.F.R. §22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

08.18.06
DATE

SIGNED
Elyana R. Sutin
Regional Judicial Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

In the Matter of:)	
)	
Solar Transport Co.)	EXPEDITED CONSENT AGREEMENT
)	
Respondent.)	DOCKET NO.: CWA-08-2006-0034

Complainant, United States Environmental Protection Agency, Region 8, and Respondent, Solar Transport Co., by their undersigned representatives, hereby settle the civil cause of action arising out of a spill of oil that occurred on May 2, 2006, and agree as follows:

The Clean Water Act (the Act), as amended, authorizes the Administrator of EPA to assess administrative penalties against any person who discharges oil into or upon the navigable waters and adjoining shorelines of the United States in quantities that have been determined may be harmful to the public health or welfare or environment of the United States. 33 U.S.C. § 1321(b)(6)(B)(i) and (b)(3). This determination includes discharges of oil that (1) violate applicable water quality standards, (2) cause a film, sheen, or discoloration of the surface of the water or the adjoining shorelines, or (3) cause a sludge or emulsion to be deposited beneath the surface of the water or the adjoining shoreline. 40 C.F.R. § 110.3. This authority has been properly delegated to the undersigned EPA official.

Respondent admits that on May 2, 2006 there was a 450 gallon discharge of unlead gasoline into or upon Parachute Creek and/or adjoining shorelines from its facility, in Garfield County, CO.

Respondent's facility's discharge caused a sheen upon or discoloration of the surface of Parachute Creek and/or adjoining shorelines.

Respondent's discharge constitutes a violation of Section 311 (b)(3) of the Act.

Respondent admits that EPA has jurisdiction in this proceeding.

Respondent waives its right to a hearing before any civil tribunal, to contest any issue of law or fact set forth in this agreement.

This agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership or corporate status of Respondent, including but not limited to any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement.

This Agreement contains all terms of the settlement agreed to by the parties.

Respondent consents and agrees to the assessment of a civil penalty of \$ 500.00.

A signed copy of this Agreement shall be sent to:

Donna K. Inman
Technical Enforcement Program (8ENF-UFO)
USEPA Region 8
999 18th Street, Suite 200
Denver, CO 80202-2466

No later than **30** days after the effective date of the Final Order, the Respondent shall pay the amount of \$500 by means of a cashier's or certified check, or by electronic funds transfer (EFT). If paying by check, the Respondent shall submit a cashier's or certified check, payable to **"Environmental Protection Agency," and bearing the notation "OSLTF – 311."** If the Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

U.S. Environmental Protection Agency
P.O. Box 371099M
Pittsburgh, Pa. 15251

If the Respondent sends payment by a private delivery service, the payment shall be addressed to:

Mellon Client Service Center
ATTN: Shift Supervisor

Lockbox 371099M Account 9109125
500 Ross Street
Pittsburgh, Pa. 15262-0001

If paying by EFT, the Respondent shall transfer \$500.00 to:

Mellon Bank
ABA 043000261
Account 9109125
22 Morrow Drive
Pittsburgh, Pa. 15235

If paying by check, the Respondent shall note on the penalty payment check the title and docket number of this case. The Respondent shall submit copies of the check (or, in the case of an EFT transfer, copies of the EFT confirmation) to the following persons:

Tina Artemis
Regional Hearing Clerk
USEPA Region 8
999 18th Street, Suite 200
Denver, CO 80202-2466

Donna K. Inman
Technical Enforcement Program (8ENF-UFO)
USEPA Region 8
999 18th Street, Suite 200
Denver, CO 80202-2466

Respondent further agrees and consents that if Respondent fails to pay the penalty amount as required by this agreement once incorporated into the final order, or has not cleaned up the discharged oil as represented, this agreement is null and void, and EPA may pursue any applicable enforcement options.

Respondent states, under penalty of perjury, that it has (1) investigated the cause of the spill, (2) cleaned the spill up pursuant to federal requirements, and (3) taken corrective actions to prevent future spills.

The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions for this agreement and to bind Respondent to the terms and conditions of this agreement.

The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final consent order.

Each party shall bear its own costs and attorneys fees in connection with this matter.

This Consent Agreement, upon incorporation into a final consent order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations described in this agreement.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 8,
Office of Enforcement Compliance and Environmental Justice, Complainant.**

By : **SIGNED** Date: **August 17, 2006**
Elisabeth Evans, Director
Technical Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice

Solar Transport Co., Respondent.

By: **SIGNED** Name: **Jeffrey E. Moe**
Title: **President**
Date: **08-09-06**

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED CONSENT AGREEMENT/FINAL ORDER** in the matter **SOLAR TRANSPORT CO., DOCKET NO.: CWA-08-2006-0034** was filed with the Regional Hearing Clerk on August 18, 2006.

Further, the undersigned certifies that a true and correct copy of the document was delivered to David Janik, Enforcement Attorney, U. S. EPA – Region 8, 999 18th Street, Suite 300, Denver, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on August 18, 2006, to:

Kyle Krause
Solar Transport Co.
6400 Westown Parkway, Suite 103
West Des Moines, IA 50266-7709

And Regular Mail to:

U. S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-0002)
Cincinnati, Ohio 45268

U. S. Coast Guard
Commander
Finance Center (OGR)
U. S. Coast Guard
1430 A Kristina Way
Chesapeake, VA 23326

August 18, 2006

SIGNED

Tina Artemis
Regional Hearing Clerk

**THIS DOCUMENT WAS FILED IN THE REGIONAL HEARING CLERK'S OFFICE
ON AUGUST 18, 2006.**

